Nick Whele



:Facility ID Number

RETURN COMPLETED FORMS TO:

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND QUALITY, UST SECTION

100 N. Senate Avenue

Indianapolis, IN 46204-2251 UST: (317) 234-4112; Release Reporting: (317) 232-8900

4603	:Owner ID	Numi	oer			Page: _	of	4
Notification is required to store regulated subs 329 IAC 9, as amende contacting the UST Se	stances after Ja d. Specific det	anuar ailed	y 1, 1974. instructions	The information red	quested i	s required by	y Indiana	Code
Instructions for this form car	n be found at http:	//www.	.in.gov/idem/fi	les/form_ust_notificatio	n_instructi	ons.doc		
A			TYPE OI	NOTIFICATION				
THIS NOTIFICATION FORM P  A NEW FACILITY  A NEW OWNER  A NEW TANK  A SYSTEM UPGRAD		ATION	AN ADDRES	( ALL THAT APPLY.): SS CHANGE OF OWNERSHIP IN SERVICE		A TEMPORAR A REQUEST F Attach workplan for A PERMANEN	OR CLOS	URE e.
	ILITY LOCATI	ON		C	FACILI	TY OPERAT	OR	
FACILITY NAME FORMER White Ri FACILITY ADDRESS (number and street) 11940 North US			air	OPERATOR NAME  OPERATOR ADDRESS (number)	raporsolet)	TIVEI	STATE	
Edinburgh		1	ndiana	SIT .	DEPAR	TMENT OF	ITAIL	
ZIP CODE 46124	TELEPHONE NU	MBER		ZIP CODE E.N	<del>VIRONMEN'</del> OFFICE OF	CARBONE OF THE	<u>VT</u> ER	
Bartholomew	PS LOCATION (UTM)  16 S 5891		351775	FEDERAL ID NUMBER	Bossasse Bair Brown	EMAIL ADDRESS		
PROPERTY OWNER NAME  L&Q Realty, LLC	OPERTY OWN	ER		UST OWNER NAME ([ ] Mark i		T OWNER		
PROPERTY OWNER ADDRESS (number 30 West 11th Str	,	I		UST OWNER ADDRESS (number	er and street)			
Anderson	TELEPHONE NU		ndiana	ZIP CODE		TELEPHONE NUMB	STATE	
46016			3-3016			TEEL HONE WORL	LIX	
FEDERAL ID NUMBER 20-3765045	TAX ID NUMBER			FEDERAL ID NUMBER	21115	TAX ID NUMBER		
EFFECTIVE DATE OF OWNERSHIP (mr 12/09/2014	m/dd/yy) EMAIL ADDRESS tmatthews@ricl	kers.net		EFFECTIVE DATE OF OWNERS		EMAIL ADDRESS		
NAME OF CONTACT PERSON AT UST	LOCATION		CONTACT	AT UST LOCATIO		R OF USTs AT THIS L	OCATION	
N/A							)	
JOB TITLE N/A			TELEPHONE NUI	MBER	NUMBE	R OF PAGES ATTACH		

FACILITY NAME	hite River 7		ILITY ID NUMBER	3779		State Form 45223 (R5 / 1-14) Page: <b>2</b> of <b>4</b>
	ICATION OF F					
Camailian with	the requirements for	Einancial	Responsibility und	er 329 IAC 9-8 and have re	ead the instructions for this	form. I have copied only the
hold and underline	ed text from Section ( I must produce evide	3 of the in	structions in the b	ox below that describes the	type of Financial Respons	ibility I have for this site and
understand that	i musi produce evide	IICE OI IIIIE	, apon request.	and the same of th	and the second s	
9.						
TITLE	NAME			SIGNATURE		DATE (month / day / year)
,						
	1					
H THIRT	Y (30) DAY RE	QUEST	FOR UST C	LOSURE	Damplete the entire form as	with other types of
To request a UST	F closure, mark "A Re fill in the requested in	quest for	Closure" in Section	n A, Type of Notification. C	Complete the entire form as	will other types or
nonncanons and .	PROPOSED CO	and the second s	August 1997		LUST INCIDENT INFOR	MATION
CONTRACTOR COMP	and the second s	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		LUST INCIDENT NUMB	BER (IF APPLICABLE)	
					*	
CONTRACTOR NAME		CE	RTIFICATION NUMBER	DATE INCIDENT REPO	ORTED (month / day / year)	
STREET ADDRESS (A	number and street)			*NOTE: Any US	T closures must be perfo	rmed by persons certified
				Indiana State Fil	tate Fire Marshal. City/Co re Marshal, and IDEM's US	ounty Fire Departments, the ST Section must be notified
CITY			STATE	14 days prior to	closure. Please report to	the Leaking Underground
				Storage T	ank Section at (317) 232-8	900 if signs of soil or
ZIP CODE	Ì	TELEPHONE	NUMBER		oundwater contamination ana State Fire Marshal	(317) 232-2222
CONT	RACTOR COM	PLIAN	SECERITIE	ATION: ATTACH	S-BUILT UST PLA	no provided in this
OATH: I certify	that the information rue and correct to th	i concern	ing installation, t my knowledge.	esting, upgrade, closure,	removal and change-in-s	elvice provided in this
NAME OF CONTRAC	TOR/CONSULTANT	e nest of	my knowledge.	NAME OF COMPANY		AS-BUILTS ATTACHED
Doug Wo				SCS Environ	imental Contracting	☐Yes ⊠No
	- NO PHOTOCOPIES WILL	BE ACCEPT	'ED.)	CERTIFICATION NUM		DATE (month / day / year)
5)	all I make	j		UC200060	)6737	11/29/10
J OPER	ATOR CERTIFI	CATIO	N			
CATIL: Leavis	that under penalty (	of law the	t I have nersonal	ly examined and am fami	iliar with the information s	submitted in this and all
attached docur	nents, and that base	ed on my	inquiry of those i	ndividuals immediately r	esponsible for obtaining t	he information, I believe
that the submit	ted information is tr	rue, accui	rate, and complet	e		LEASE ATTACHED
NAME OF OPERATO	OR OR AUTHORIZED REPR	ESENTATIV	Ε	NAME OF COMPANY		Yes No
. T	-	DE 10050	TEO	DRIVERS LICENSE N	JIMBER	DATE (month / day / year)
SIGNATURE (IN INK	( - NO PHOTOCOPIES WILL	. BE ACCEP	(ED.)	PHATHO FIORINGS		
						I Suomanassa kunga kun
K PROP	ERTY OWNER	CERT	IFICATION			
OATH: I certify	that under penalty	of law tha	at I have persona	lly examined and am fam individuals immediately r	iliar with the information esponsible for obtaining	the information, I believe
attached documents	ments, and that base tted information is t	za on my rue. accu	rate, and comple	te.	oopenedate to commission	,
	TY OWNER OR AUTHORIZ			NAME OF COMPANY		DEED ATTACHED
Jay Rick				L&Q Real		∑YesNo
CICNIATURE ARTURI	K- NO PHOTOCOPIES WIL	L BE ACCEF	TED.)	DRIVERS LICENSE	NUMBER	DATE (month / day / year)
14.6	Jasen J			I N/A		11/30/2016
I JUST	OWNER CERTI	FICATI	ON			
OATH, Loortife	that under negalty	of law th	at I have persona	Illy examined and am fam	niliar with the information	submitted in this and all
attached docu	ments, and that bas	ed on my	inquiry of those	individuals immediately	responsible for obtaining	the information, I believe
	tted information is t					OWNER DOC ATTACHED
NAME OF UST OW	NER OR AUTHORIZED RE	PRESENTAT	IVE	NAME OF COMPAN	T	☐Yes ☐No
		1 BE 100E	TED I	DRIVERS LICENSE	NUMBER	DATE (month / day / year)
SIGNATURE (IN IN	K - NO PHOTOCOPIES WIL	L BE ACCE	*(EU.)	Didverto elouno		

FACILITY NAME	FACILITY ID NUMBE					1 45223 (R5 / 1-14)
Former White River Truck		<u> 13779</u>			Page: (	3 of 4
M NUMBER OF UNDERGROUND	STORAGE	TANKS				
Complete a column for each tank. Attach	additional sh	eets when nu	mber of USTs	s exceeds six	(6).	
SEQUENTIAL UST NUMBER	6	and with the second			· · · · · · · · · · · · · · · · · · ·	dayatta adala a arabin a arab
OWNER-SPECIFIED UST NUMBER	1					
IS THIS A COMPARTMENTED UST?	$\square$ Y $\boxtimes$ N	Y N	TY N	YN	YN	YN
(mm/dd/yyyy) DATE INSTALLED					Ì	<u> </u>
(gallons) CAPACITY	550		got verges in telebroom	15.000 1000 1000 1000 1000 100		
N STATUS OF UNDERGROUND	STORAGE	TANKS				
1. CURRENTLY IN USE						
(mm/dd/yyyy) Date Brought Into Use	ADDITION OF THE PARTY OF THE PA					
2. TEMPORARILY OUT OF USE						
(mm/dd/yyyy) Date Last Used	***************************************					
3. PERMANENTLY OUT OF USE						
(mm/dd/yyyy) Date Removed From Ground	01/26/2015					
(mm/dd/yyyy) Date Filled In-Place						
(mm/dd/yyyy) Date of Change-in-Service						
4. REQUESTING CLOSURE		ļ <u></u>			-	
Removal Closure						
In-Place Closure						
O SUBSTANCE CURRENTLY OF	RLASTISTO	RED IN US	Ts			
1. PETROLEUM						
Gasoline						
Diese						
Used Oi						
Kerosene				0.00%	0.00%	0.00%
Biofuel%	0.00%	0.00%	0.00%	0.00%		
(specify) Othe	r					<u> </u>
2. HAZARDOUS SUBSTANCE						
CERCLA Substance						
Chemical Abstract Service Numbe	r	.	·		<del></del>	<del></del>
Mixture of Substance						10 as 21 as 22 as 23
P UST CONSTRUCTION MATER	RIAL					
Stee						
Fiberglas	s 🔲					
(Steel with Fiberglass Jacket) Cla	d 🔲					
Double-Walle	d 🔲					
Product stored in tank is compatible	e					
(specify) Othe						and all the first of the control of
Q UST CORROSION PROTECTI	ON					
Interior Linin	g 🔲					
(mm/dd/yyyy) Date Liner Installe	d	_	-  <del></del>	-		
(Galvanic) Sacrificial Anode	s 🔲					
Impressed Currer	nt 🔲					
(mm/dd/yyyy) Date Anodes Installe	d		_	_		
(specify) Other	1					

FACILITY NAME Former Whit	te River Truck	FACILITY ID NUMBE	13779			State Form Page: 4	45223 (R5 / 1-14) 4 of 4
	n for each UST. Attach		eets when nu	mber of USTs	exceeds six	(6).	
SEQUENTIAL UST NU		6					
OWNER-SPECIFIED (		1					
R PIPING CO	NSTRUCTION AND	PROTECTION	ON				
	Steel						
	Fiberglass						
	Double-Walled						
(Ga	alvanic) Sacrificial Anodes						
	Impressed Current						ᆜ
Product st	ored in tank is compatible	L					
	(specify) Other	No Piping					
S UST RELE	ASE DETECTION						
	Automatic Tank Gauging						Щ
	Interstitial Monitoring						
ŀ	rstitial Monitoring / Barrier						
Statistica	al Inventory Reconciliation						
	Manual Tank Gauging						
	Another Method						. 11-11-2
T PIPING TY	PE AND RELEASE						
Suction	European Suction						
Guotion	American Suction	4 ≌ .					닏ㅣ
Pressurized	Auto Leak Detector	1 ==					
	Flow Restrictor					-	
Must Check One.	Flow Shut Off	I ==				<u> </u>	
	Audible Alarm	4 ==					
	Automatic Tank Gauge						
Must Check One.	SIR	_ =					片
	Interstitial Monitoriing	4 =					
	Line Tightnesss Testing			rational personal state base			
U SPILL AN	DOVERFILL PREVE		JIPMENT				
	Catchment Basins	1 —					
	Auto Shutoff Devices				<u> </u>	<u> </u>	H
	Overfill Alam						
	Ball Float Valves						
1	enser Containment Sumps						
	cify below) Another Method						
	NCE SPECIFIC TO I		LATION, L	PGRADE O	RCLOSUR		
	tor certified by IDHS-DFBS						
	k inspected by IDHS-DFBS	• —					
1	er certified by manufacture	<u> </u>					
Work	inspected by registered PI						
(Spec	cify below) Another Method	d					



Fast & Friendly Customer Service • Convenient & Clean Locations

November 22, 2010

To Whom It May Concern:

We authorize Mr. Jason Lenz of Creek Run LLC Environmental Engineering to act as our agent and to further sign, on our behalf, any and all documents that might pertain to underground storage tank systems owned by Ricker Oil Company, Inc.

Sincerely,

### **Attachment B**

Plews Shadley Racher & Braun LLP (PSRB) Submittal



FACILITY NAME	FACILITY ID NUMBE					n 45223 (R5 / 1-14)
Former White River Truck		13779	**************************************		Page:	3 of 4
M NUMBER OF UNDERGROUND	STORAGE	TANKS	L CHOT		<i>(C</i> )	
Complete a column for each tank. Attach		eets when nu	mper of UST	s exceeus six	(0).	
SEQUENTIAL UST NUMBER				en e		
OWNER-SPECIFIED UST NUMBER	AND DESCRIPTION OF THE PARTY OF					
IS THIS A COMPARTMENTED UST?		□Y□N	YN	Y N	Y_N	Y_N_
(mm/dd/yyyy) DATE INSTALLED (gallons) CAPACITY						
THE STATE OF THE PROPERTY OF THE		TANKS				
Control of the Contro						
1. CURRENTLY IN USE  (mm/dd/yyyy) Date Brought Into Use	<b>!</b>	. Ц .	<u> </u>			 
2. TEMPORARILY OUT OF USE			The second secon			
(mm/dd/yyyy) Date Last Used	<b>L</b>					
3. PERMANENTLY OUT OF USE		and the state of t	of the Margine Annother (Andrée : 1944 - 1944) and the second of the second of the second of the second of the			
(mm/dd/yyyy) Date Removed From Ground	01/26/2015			,		
(mm/dd/yyyy) Date Filled In-Place	R		<u></u>	<u> </u>		
(mm/dd/yyyy) Date of Change-in-Service	a .					
4. REQUESTING CLOSURE						
Removal Closure						
In-Place Closure						
O SUBSTANCE CURRENTLY OF	LAST STO	RED IN US	Ts .			
1. PETROLEUM						_
Gasoline						
Diese						
Used Oi	$\boxtimes$					
Kerosene						
Biofuel%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
(specify) Othe						
2, HAZARDOUS SUBSTANCE						
CERCLA Substance						
Chemical Abstract Service Numbe	r					
Mixture of Substances						
P UST CONSTRUCTION MATER	IAL					
Stee	a har and a little beautiful and definition of the first and a first and a soliton.					
Fiberglass	3 🗍					
(Steel with Fiberglass Jacket) Clar	1 🗇					
Double-Walled	B					
Product stored in tank is compatible						
(specify) Othe	B.					
Q UST CORROSION PROTECTI	Commence of the Commence of th					
Interior Lining	The state of the s					
(mm/dd/yyyy) Date Liner Installed	d			_		
(Galvanic) Sacrificial Anode	. —					
Impressed Currer	1					
(mm/dd/yyyy) Date Anodes Installe	l .					
(specify) Othe	ă ă			1	1	

FACILITY NAME Former White	e River Truck	FACILITY ID NUMBE	13779			Page: 4	45223 (R6) 1-14) 4 of 4
Complete a colum	n for each UST. Attach	additional she	eets when nu	mber of USTs	s exceeds six	(6).	
SEQUENTIAL UST NU	MBER	6					
OWNER-SPECIFIED L		1					
R PIPING CO	NSTRUCTION AND	PROTECTION	ON T				
	Steel						
	Fiberglass						
	Double-Walled						
(Ga	lvanic) Sacrificial Anodes						
	Impressed Current						
Product st	ored in tank is compatible					L	
	(specify) Other	No Piping	The second secon				
S UST RELE	ASE DETECTION						
American Article Section (American Section (American Section (American Section (American Section (American Sec	Automatic Tank Gauging						$\sqcup$
	Interstitial Monitoring						
Inte	rstitial Monitoring / Barrier						
Statistica	al Inventory Reconciliation						
	Manual Tank Gauging						
	Another Method						
T PIPING TY	PE AND RELEASE I	DETECTION		polygy parking and the second second second			
Oustion	European Suction						
Suction	American Suction						Ц
Pressurized	Auto Leak Detector						
	Flow Restrictor						
Must Check One.	Flow Shut Off						
	Audible Alarm						
	Automatic Tank Gauge						
Must Check One.	SIR						Ц
	Interstitial Monitoriing						
	Line Tightnesss Testing						er granden er
U SPILL AN	D OVERFILL PREVE	NTION EQU	JIPMENT	A CONTRACTOR OF THE PROPERTY O			
A Contract Medical Section on applicable year and deal are placed to a Section 2. The section 2.	Catchment Basins	[ L					LI.
NE CONTRACTOR DE	Auto Shutoff Devices						
	Overfill Alarm						
	Ball Float Valves						님
Under-Disp	enser Containment Sumps						Ш
	cify below) Another Method						
V COMPLIA	NCE SPECIFIC TO 1	'HIS INSTAI	LATION, U	PGRADE O	R CLOSUR	E	
Contrac	tor certified by IDHS-DFBS	$\mathbf{X}$					
Worl	k inspected by IDHS-DFBS						
Installe	er certified by manufacture	r 🔲					
Work	inspected by registered PI						
(Spe	cify below) Another Method	d					

Filed for Record in BARTHOLOMEN COUNTY, IN ANITA L HOLE, COUNTY RECORDER 12-10-2014 At 08:05 am., CORP ND 22.00

#### LIMITED CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, that HHH-TS PROPERTIES, LLC ("Grantor"), an Indiana limited liability company conveys, warrants and transfers to L&Q Realty, LLC, an Indiana limited liability company, for the sum of Ten Dollars and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the real estate in Bartholomew County, State of Indiana described on Exhibit A, attached hereto and by reference made a part hereof (the "Real Estate");

TOGETHER WITH AND SUBJECT TO: (i) real estate taxes and assessments assessed against the Real Estate on and after the date hereof, and (ii) any and all easements, covenants, restrictions, agreements, encumbrances, rights-of-way and other matters of record.

The undersigned person or persons executing this deed on behalf of Grantor represents and certifies that he is duly authorized and fully empowered to execute and deliver this deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this Limited Corporate Warranty Deed to be executed this \_\_\_\_\_\_ day of December, 2014.

"Grantor"

HHH-TS PROPERTIES, LLC

By: X/ gel Swecoat
Printed: H. Vill Five coat

Title: <u>Member</u>

[Notary on following page]

Missouri State of Indiana

SS:

COUNTY OF St. Lows

Before me, a Notary Public in and for said County and State, personally appeared H.J. II Fryecoat member of HHH-TS Properties, LLC, who acknowledged signing the foregoing Limited Corporate Warranty Deed as his free and voluntary act and deed, for the uses and purposes herein set forth.

Witness my hand and Seal this 2 day of December, 2014.

My Commission Expires:

9-29-18

My County of Residence:

St Louis

Notary Public

Printed Name

DAN BOHN Notary Public - Notary Seal State of Missouri, St Louis County Commission # 14022099 My Commission Expires Sep 29, 2018

Return Recorded Deed and send tax statements to: Also, Grantee's Address:

L&Q Realty, LLC 30 West 11<sup>th</sup> Street Anderson, Indiana 46016

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Stephanie T. Eckerle

This instrument was prepared by Stephanie T. Eckerle.

#### EXHIBIT A

#### LEGAL DESCRIPTION

Lot numbered six (6) of the Plat of Driffwood Center, Section One, as recorded August 20, 1991, in Plat Book "P", page 169A, as Instrument No. 91-7241, in the Office of the Recorder of Bartholomew County, Indiana.

DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

DEC 0 9 2014

BARTHOLOMEW COUNTY AUDITOR'S OFFICE



Fast & Friendly Customer Service • Convenient & Clean Locations

November 22, 2010

To Whom It May Concern:

We authorize Mr. Jason Lenz of Creek Run LLC Environmental Engineering to act as our agent and to further sign, on our behalf, any and all documents that might pertain to underground storage tank systems owned by Ricker Oil Company, Inc.

Sincerely,



#### **ENVIRONMENTAL ENGINEERING**

Taking Pride In What We Do!

December 2, 2016

- PO Box 114, Montpelier, IN 47359
- 6801 Lake Plaza Dr, Ste C301, Indianapolis, IN 46220
- 2328 N. US Hwy 35, Unit A, Laporte, IN 46350

Nawal Hopkins, Closure Investigator
Office of Land Quality – Mail Code 67-01
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

RE:

UST System Closure Supplement Former White River Truck Repair 11940 North US Highway 31 Edinburgh, Indiana 46124 RECEIVED

DEC 0 0 2016

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OFFICE OF LAND QUALITY

Dear Ms. Hopkins,

On behalf of L&Q Realty, LLC, Creek Run L.L.C. Environmental Engineering (Creek Run) is pleased to provide this response to a letter from the Indiana Department of Environmental Management (IDEM) entitled *Request for Permanent Closure Form*, dated November 10, 2016 for the above mentioned facility. In discussions with IDEM, it appears the Notification for Underground Storage Tanks (State Form 45223) that was submitted with the UST Closure Report, dated February 24, 2015, did not contain original (ink) signatures. The original signatures were likely submitted with a Plews Shadley Racher & Braun LLP (PSRB) submittal on February 25, 2015. Original signatures were obtained and are included on State Form 45223 provided in **Attachment A**. Section "C", Section "E", Section "G", Section "J", and Sections were not filled in is provided in the PSRB letter, included in **Attachment B**. If you need any additional information or have any questions, please feel free to contact me.

Sincerely,

Áyan A. Þetérson Project Manager

#### **Attachment A**

# Notification for Underground Storage Tanks State Form 45223



# PLEWS SHADLEY RACHER & BRAUN LLP

ATTORNEYS AT LAW

GEORGE M. PLEWS 1 PETER M. RACHER CHRISTOPHER J. BRAUN 1,2 JEFFREY D. CLAFLIN FREDERICK D. EMHARDT S. CURTIS DEVOE JEFFREY D. FEATHERSTUN JOHN M. KETCHAM 3 ALEXANDRA S. SYLVIA 4 BRETT E. NELSON 5 JOHN D. MORIARTY AMY E. ROMIG 4 TODO J. JANZEN GREGORY M. GOTWALD Jonathan P. Emenhiser THAO T. NGUYEN TONYA J. BOND 1 STEPHANIE T. ECKERLE TODD G. RELUE 8

1346 NORTH DELAWARE STREET INDIANAPOLIS, INDIANA 46202-2415 TELEPHONE (317) 637-0700 FACSIMILE (317) 637-0710

53732 GENERATIONS DRIVE SOUTH BEND, INDIANA 46635-1539 TELEPHONE (574) 273-1010 FACSIMILE (574) 271-2050

www.psrb.com

SENDER'S E-MAIL: asylvia@psrb.com

February 25, 2015

THERESA M. WILLARD <sup>1</sup>
SHELLEY M. JACKSON
DANIEL P. CORY
JOSH S. TATUM
COLIN E. CONNOR
BRIANNA], SCHROEDER
SEAN M. HIRSCHTEN
MATTHEW D. NEUMANN
ASHLEY N. LEONARD <sup>7</sup>
JUSTIN A. ALLEN
RYAN LEAGRE

1 REGISTERED MEDIATOR

<sup>2</sup> ALSO ADMITTED IN THE

DISTRICT OF COLUMBIA

3 ALSO ADMITTED IN MICHIGAN

ALSO ADMITTED IN KENTUCKY

5 REGISTERED TO PRACTICE

BEFORE THE U.S. PATENT AND TRADEMARK OFFICE

6 ALSO ADMITTED IN VIRGINIA

7 ALSO ADMITTED IN ILLINOIS

8 ALSO ADMITTED IN NORTH CAROLINA

9 ALSO ADMITTED IN CALIFORNIA

SENIOR COUNSEL: SUE A. SHADLEY JOHN B. BRIDGE LEFFREY A. TOWNSEND

OF COUNSEL: CHRISTINE C.H. PLEWS MARY ANN F. SAGGESE <sup>6</sup> F, RONALDS WALKER <sup>1,7</sup> ANGELA M. GREBN <sup>2</sup>

Via Email (ASmith@idem.IN.gov) and Hand-Delivery

Amy Smith
Office of Legal Counsel
Indiana Department of Environmental Management
100 N. Senate Ave Room IGCN 1307
Indianapolis, IN 46204

RE: 11940 N. US Hwy 31, Edinburgh, IN, FID 13779

Dear Amy:

This letter is sent on behalf of L&Q Realty, LLC ("L&Q") regarding the property located at 11940 N. US Hwy 31, Edinburgh, IN, FID 13779 ("Site") that L&Q acquired from HHH-TS Properties, LLC on December 9, 2014. I am sending this letter to you because I know that you've worked with the Underground Storage Tank ("UST") Branch regarding their forms and I thought you might be able to assist us in handling this issue with the Indiana Department of Environmental Management's (IDEM's) Notification for USTs form.

After L&Q acquired the Site in December 2014, L&Q began demolition activities in mid-January 2015 and discovered an unidentified and undisclosed used oil UST. L&Q never owned nor operated this orphaned UST. Despite the fact that L&Q never owned nor operated the used oil UST, it retained Creek Run LLC Environmental Engineering ("Creek Run") to properly close Amy Smith Indiana Department of Environmental Management February 25, 2015 Page 2 of 3

the UST. Creek Run oversaw the removal of the used oil UST and conducted all proper closure activities.

Based on prior communications with IDEM, it is L&Q's understanding that it must submit a Notification for USTs form {State Form 45223 (R5/1-14)}. However, there is an issue with such a submission. L&Q is neither the owner nor the operator of the orphan used oil UST. "Operator," for purposes of IND. CODE §13-23 "...means a person: (1) in control of; (2) or having responsibility for; the daily operation of an underground storage tank." IND. CODE 13-11-2-148(d).

"Owner," for the purposes of IND. CODE §13-23 is defined as:

- (1) for an underground storage tank that:
  - (A) was:
    - (i) in use on November 8, 1984; or
    - (ii) brought into use after November 8, 1984; for the storage, use of dispensing of regulated substances, a person who owns the underground storage tank; or
  - (B) is:
    - (i) in use before November 8, 1984; but
    - (ii) no longer in use on November 8, 1984; a person who owned the tank immediately before the discontinuation of the tank's use...

IND. CODE § 13-11-2-150 (a). L&Q never used the used oil UST after it purchased the Site (it never even knew the used oil UST existed); therefore it was never in control of nor had the responsibility for the daily operations of the used oil UST. IND. CODE § 13-11-2-148(d). See also Shell Oil Co. v. Meyer, 705 N.E.2d 962, 972-73 (Ind. 1998) (control or responsibility for daily operations requires continuous level of daily activities such as filling or dispensing gasoline from tanks). The owner or operator of the used oil UST was the prior person who used the UST – presumably a prior owner of the Site, but at the very least not L&Q. L&Q did not assume ownership of the used oil UST by its removal. Rather L&Q was taking steps to mitigate the potential impact that the used oil UST might have upon the Site.

At this point in time, it is impossible for Creek Run to submit a complete Notification for USTs form for the orphaned used oil UST found at the Site. Since L&Q was not even aware that the used oil UST existed, it has no information about the used oil UST beyond the information

Amy Smith Indiana Department of Environmental Management February 25, 2015 Page 3 of 3

readily ascertainable upon its removal. Furthermore, L&Q is not aware of the owner/operator of the used oil UST other than assuming that it was a prior owner of the Site. The existence of the used oil UST was not disclosed to L&Q and its existence was only discovered while L&Q was conducting demolition activities at the Site for development of this Site. Finally, it is impossible for L&Q to complete certain information about the used oil UST, such as its installation date, since L&Q had no knowledge about the existence of the used oil UST.

In order to comply with IDEM requests and in order to submit a Closure Report, please find enclosed a Notification for USTs form for the orphaned used oil UST with the information L&Q has to date. The UST owner and facility operator is left blank since, as described above, L&Q has no knowledge regarding whom should be listed for the orphaned UST, nor is L&Q the owner or operator of this orphaned used oil UST. The Notification for USTs form attached is only being submitted because Creek Run has been instructed by IDEM that it must do so. L&Q denies that is has any legal responsibility for the orphaned used oil UST. We are submitting this Notification for USTs form via hard-copy since it is our understanding that electronic copies cannot be submitted. I am also sending copies of these notifications to Nicole Wheeler since I understand that she often reviews incomplete forms.

Please do not hesitate to contact me should you have any questions. Otherwise, we trust that the attached the Notification for USTs form is sufficient for any subsequent Closure Report to be processed.

Very truly yours,

Alexandra S. Sylvia

Enclosures

cc: Nicole Wheeler *Via Email* (<u>NWheeler@idem.IN.gov</u>) and Hand-Delivery (w/ encls.)

Jay Ricker (w/ encls.)

Jason Lenz (w/ encls.)

## NOTIFICATION FOR UNDERGROUND STORAGE TANKS State Form 45223 (R5 / 1-14)

12770 - Escility ID Number RETURN COMPLETED FORMS TO:
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND QUALITY, UST SECTION
100 N. Senate Avenue
Indianapolis, IN 46204-2251

UST: (317) 234-4112; Release Reporting: (317) 232-8900

	13/13	:raciiny ib i	neumber.						
		:Owner ID N	umber			Page:	1	of _	4
to sto 329 I conta	ore regulated substant AC 9, as amended. S acting the UST Section	ces after Jan Specific detai n at the abov	uary 1, 1974. iled instructions re address.	all storage tanks that a The information requals s for the completion of iles/form_ust_notification_i	ested is this for	required k rm may be	y Indi	ana C	Code
Α			TYPE O	FNOTIFICATION	W W		Control to the Control of December		Commonweal Common Commo
THIS N	NOTIFICATION FORM PROVI A NEW FACILITY A NEW OWNER A NEW TANK A SYSTEM UPGRADE	DES INFORMAT	AN ADDRES	K ALL THAT APPLY.): SS CHANGE OF OWNERSHIP IN SERVICE		A TEMPORA A REQUEST httach workplan fo A PERMANE	FOR C	LOSUI closure.	RE
В	FACILIT	Y LOCATIO	National de la company	C F	ACILIT	Y OPERA	<b>TOR</b>		hand Arter and horner
	mer White River	Truck Re	epair	OPERATOR NAME					
	Y ADDRESS (number and street) 140 North US Hig			OPERATOR ADDRESS (number and	street)				
	nburgh		Indiana	CITY			STATE		
ZIP COD 461	24	TELEPHONE NUMB	ER'	ZIP CODE		relephoné numi	BER		
Bar		CATION (UTM) S 589132	2 4351775	FEDERAL ID NUMBER	F	EMAIL ADDRESS			
Ð		RTY OWNE	R		AAA	OWNER			
L&(	RTY OWNER NAME Q Realty, LLC			UST OWNER NAME ([ ] Mark if san		y Owner.)			
	RTY OWNER ADDRESS (number and s West 11th Street			UST OWNER ADDRESS (number an	d street)				
	derson	S	Indiana	СПҮ			STATE		
ZIP COL		(765) 6	ER 343-3016	ZIP CODE	1	FELEPHONE NUM	BER		
20-	AL ID NUMBER 3765045	TAX ID NUMBER		FEDERAL ID NUMBER	T	FAX ID NUMBER			_
\$	IVE DATE OF OWNERSHIP (mm/dd/yy) D9/2014	EMAIL ADDRESS tmatthews@rickers	s.net	EFFECTIVE DATE OF OWNERSHIP	(mm/dd/yy) E	EMAIL ADDRESS			
F			CONTACT	AT UST LOCATION					
NAME O	F CONTACT PERSON AT UST LOCAT	ION	:		NUMBER (	OF USTS AT THIS	LOCATION O		
JOB TIT			TELEPHONE NUI	MBER	NUMBER (	OF PAGES ATTAC	HED TO T	HIS	

		State Form 45223 (R6 / 1-14)
Former White River Tru	3779	Page: 2 of 4
G CERTIFICATION OF FINANCIAL RESPO	and the control of th	
am familiar with the requirements for Financial Responsibility und old and underlined text from Section G of the instructions in the bunderstand that I must produce evidence of this upon request.	der 329 IAC 9-8 and have read the instructions f	or this form, I have copied only the esponsibility I have for this site and
ITLE I NAME	SIGNATURE	DATE (month / day / year)
The IVANIA	SOUTH ONE	DATE (minimi dey / year).
HE THIRTY (30) DAY REQUEST FOR UST C	LOSURE	
o request a UST closure, mark "A Request for Closure" in Section offications and fill in the requested information below:	n A, Type of Notification. Complete the entire for the control of	orm as with other types of
PROPOSED CONTRACTOR	LUST INCIDENT I	NFORMATION
ONTRACTOR COMPANY	LUST INCIDENT NUMBER (IF APPLICABLE)	
CONTRACTOR NAME CERTIFICATION NUMBER	DATE INCIDENT REPORTED (month / day / year)	
TREET ADDRESS (number and street)	*NOTE: Any UST closures must be by the Indiana State Fire Marshal. C	
TY STATE:	Indiana State Fire Marshal, and IDE	M's UST Section must be notified
	14 days prior to closure. Please rep Storage Tank Section at (317)	
P CODE TELEPHONE NUMBER	groundwater contamin Indiana State Fire Marsi	
S CONTRACTOR COMPLIANCE CERTIFIC	ATION ATTACH AS BUILT UST	PLANS
ATH: I certify that the information concerning installation, to		
otification is true and correct to the best of my knowledge.  AME OF CONTRACTOR/CONSULTANT	NAME OF COMPANY	AS-BUILTS ATTACHED
Doug Woods	SCS Environmental Contrac	ting ☐ Yes ⊠No
IGNATURE (IN-)NK - NO PHOTOCOPIES WILL BE ACCEPTED.)	CERTIFICATION NUMBER UC2000606737	DATE (month / day / year)
J.   OPERATOR CERTIFICATION ATH: I certify that under penalty of law that I have personally	y examined and am familiar with the informa	tion submitted in this and all
ttached documents, and that based on my inquiry of those in	dividuals immediately responsible for obtain	ning the information, I believe
	NAME OF COMPANY	LEASE ATTACHED
	NAME OF COMPANY	LEASE ATTACHED NO
AME OF OPERATOR OR AUTHORIZED REPRESENTATIVE	NAME OF COMPANY  DRIVERS LICENSE NUMBER	1
nat the submitted information is true, accurate, and complete IAME OF OPERATOR OR AUTHORIZED REPRESENTATIVE SIGNATURE (IN INK - NO PHOTOCOPIES WILL BE ACCEPTED.)		☐Yes ☐No
AME OF OPERATOR OR AUTHORIZED REPRESENTATIVE  IGNATURE (IN INK - NO PHOTOCOPIES WILL BE ACCEPTED.)  KORPERTY OWNER CERTIFICATION	DRIVERS LICENSE NUMBER	DATE (month/day /year)
AME OF OPERATOR OR AUTHORIZED REPRESENTATIVE  IGNATURE (IN INK - NO PHOTOCOPIES WILL BE ACCEPTED.)  KO PROPERTY OWNER CERTIFICATION  ATH: I certify that under penalty of law that I have personally trached documents, and that based on my inquiry of those in	DRIVERS LICENSE NUMBER  y examined and am familiar with the information in the information of the informatio	DATE (month / day / year)  tion submitted in this and all
IGNATURE (IN INK - NO PHOTOCOPIES WILL BE ACCEPTED.)  K PROPERTY OWNER CERTIFICATION  ATH: I certify that under penalty of law that I have personally trached documents, and that based on my inquiry of those in hat the submitted information is true, accurate, and complete AME OF PROPERTY OWNER OR AUTHORIZED REPRESENTATIVE	DRIVERS LICENSE NUMBER  y examined and am familiar with the informa dividuals immediately responsible for obtain	DATE (month / day / year)  Itom submitted in this and all ning the Information, I believe
AME OF OPERATOR OR AUTHORIZED REPRESENTATIVE  IGNATURE (IN INK - NO PHOTOCOPIES WILL BE ACCEPTED.)  K. PROPERTY OWNER CERTIFICATION  ATH: I certify that under penalty of law that I have personally trached documents, and that based on my inquiry of those in hat the submitted information is true, accurate, and complete AME OF PROPERTY OWNER OR AUTHORIZED REPRESENTATIVE  JAY Ricker	DRIVERS LICENSE NUMBER  y examined and am familiar with the information in the informatio	DATE (month / day / year)  tion submitted in this and all ning the Information, I believe  DEED ATTACHED  Yes No
AME OF OPERATOR OR AUTHORIZED REPRESENTATIVE  IGNATURE (IN INK - NO PHOTOCOPIES WILL BE ACCEPTED.)  K. PROPERTY OWNER CERTIFICATION  ATH: I certify that under penalty of law that I have personally trached documents, and that based on my inquiry of those in hat the submitted information is true, accurate, and complete AME OF PROPERTY OWNER OR AUTHORIZED REPRESENTATIVE  JAY Ricker	DRIVERS LICENSE NUMBER  y examined and am familiar with the informa dividuals immediately responsible for obtain	DATE (month/day / year)  tion submitted in this and all hing the Information, I believe  DEED ATTACHED  Yes No  DATE (month/day / year)
IGNATURE (IN INK - NO PHOTOCOPIES WILL BE ACCEPTED.)  KE PROPERTY OWNER CERTIFICATION  ATH: I certify that under penalty of law that I have personally trached documents, and that based on my inquiry of those in hat the submitted information is true, accurate, and complete AME OF PROPERTY OWNER OR AUTHORIZED REPRESENTATIVE  Jay Ricker  IGNATURE (IN INK - NO PHOTOCOPIES WILL BE ACCEPTED.)  H. J.	DRIVERS LICENSE NUMBER  y examined and am familiar with the information in the informatio	DATE (month / day / year)  tion submitted in this and all ning the Information, I believe  DEED ATTACHED  Yes No
IGNATURE (IN INK - NO PHOTOCOPIES WILL BE ACCEPTED.)  K PROPERTY OWNER CERTIFICATION  ATH: I certify that under penalty of law that I have personally trached documents, and that based on my inquiry of those in nat the submitted information is true, accurate, and complete AME OF PROPERTY OWNER OR AUTHORIZED REPRESENTATIVE  Jay Ricker  IGNATURE (IN INK - NO PHOTOCOPIES WILL BE ACCEPTED.)  K JUST OWNER CERTIFICATION  ATH: I certify that under penalty of law that I have personally trached documents, and that based on my inquiry of those in	DRIVERS LICENSE NUMBER  y examined and am familiar with the information in the information of the informatio	DATE (month/day / year)  tion submitted in this and all ning the Information, I believe  DEED ATTACHED  Yes No DATE (month/day / year) 2/24/26/S
IGNATURE (IN INK - NO PHOTOCOPIES WILL BE ACCEPTED.)  K PROPERTY OWNER CERTIFICATION  ATH: I certify that under penalty of law that I have personally trached documents, and that based on my inquiry of those in lat the submitted information is true, accurate, and complete AME OF PROPERTY OWNER OR AUTHORIZED REPRESENTATIVE  Jay Ricker  IGNATURE (IN INK - NO PHOTOCOPIES WILL BE ACCEPTED.)  WHATH: I certify that under penalty of law that I have personally	DRIVERS LICENSE NUMBER  y examined and am familiar with the information in the information of the informatio	DATE (month/day / year)  tion submitted in this and all ning the Information, I believe  DEED ATTACHED  Yes No DATE (month/day / year) 2/24/26/S